IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 6448 of 2005

Between:

M. Ranga Rao,rep. by its G.P.A. Holder,

V. Poornachandra Rao, S/o. Venkateswarlu,
BHEL MIG Colony, Nallagandla, Serilingampally

Mandal, R.R.District.

..... PETITIONER

AND

1. The Spl. Deputy Collector, (L.A), I.A.P.

Shamshabad, R.R.District.

2. The Deputy Director of Mines and Geology,

Nizamabad.

3. The Assistant Director of Mines and Geology,

Medak, Medak District.

4. The Revenue Divisional Officer, Sangareddy,

R.R.District.

5. The Mandal Revenue Officer,

Ramachandrapuram Mandal, R.R.District.

..RESPONDENTS

* * *

ORDER:

This writ petition has been filed by M.Ranga Rao, represented by his G.P.A. Holder V.Poornachandra Rao with a prayer to issue an order or writ, one in the nature of Writ of Mandamus, declaring the action of the Special Deputy Collector (L.A) I.A.P., Shamshabad, Ranga Reddy District-1st respondent and the Mandal Revenue Officer, Ramachandrapuram Mandal, Ranga Reddy District-5th respodnent in issuing proceedings directing the petitioner to stop morrum quarry operations, as arbitrary, illegal, unjust, unconstitutional.

2. Pursuant to the application dated 12.01.2004, the writ petitioner was granted quarry lease for minor mineral (gravel) over an extent of Ac.4-32 cents in survey Nos.9/13, 9/14 and 9/15 of Osmannagar village, Ramachandrapuram Mandal, Medak District. After survey and inspection, the application was forwarded to the Mandal Revenue Officer for necessary enquiry as to classification and availability of area and issuance of No Objection Certificate for granting quarry lease. The survey and inspection was conducted on 06.02.2004. The Gram Panchayat also issued a letter of no objection in regard to lease of the said land in favour of the petitioner. The Revenue Divisional Officer issued no objection letter No.C1/660/2004 dated 08.04.2004. The application was forwarded to the Assistant Director of Mines & Geology for further action. The Deputy Director of Mines & Geology issued proceedings No.3001/Q/04 dated 20.02.2004 proposing to grant quarry lease for gravel and directed the petitioner to submit required documents for execution of lease deed, in proceedings letter No.54/Q/2003 dated 26.02.2004, by the Assistant Director of Mines and Geology. After submitting required documents, lease deed was executed in Form-G, dated 27.02.2004. The petitioner has been operating the quarry according to terms and conditions of the lease deed. While so, the petitioner received a notice from the Mandal Revenue Officer, Ramachandrapuram, in proceedings No.Lr.B/4572/2004 dated 06.03.2005 stating that he has been

instructed by Special Deputy Collector (LA) IAB, Shamshabad, Ranga Reddy District, to stop morrum quarry operations in government lands in an extent of Ac.6-00 comprising survey Nos.9/13, 14 and 15 of Osmannagar village, R.C.Puram Mandal. The petitioner assailed the action of the Special Deputy Collector, Shamshabad, Ranga Reddy District in issuing directions to the Mandal Revenue Officer, Ramachandrapuram to stop morrum quarry operations.

3. Third respondent filed counter-affidavit. It is stated in the counter-affidavit that the land over which quarry lease held by the petitioner is a government land and No objection Certificate has been issued by Revenue Divisional Officer, Sangareddy with the concurrence of the Mandal Revenue Officer, R.C.Puram and Sarpanch, Osmannagar for grant of lease. As per the instructions of the Special Deputy Collector, the Assistant Director of Mines and Geology, Medak, inspected the two quarry lease areas at S.No.9 of Osmannagar on 17.03.2005 and both the leases found to be non-working. I deem it appropriate to refer para 4 of the counter-affidavit and it is thus:

> " The Assistant Director of Mines & Geology, Medak vide Lr.No.54/Q1/2003, dated 19.03.2003 addressed a letter to the Deputy Director of Mines & Geology, Nizamabad to take necessary action for determination of two quarry leases for morrum/gravel granted to Sri V.Poornachandra Rao and Sri Md.Akbar Ali in S.No.9 Osmannagar village, R.C.Puram Mandal, Medak district in consultation with the Govt. as per rule 31 (xviii) of APMMC Rules in public interest. Subsequently, the Deputy Director of Mines & Geology, Nizamabad vide Lr.No.3001/Q/2004, dated 15.4.2005 addressed a letter to the Director of Mines & Geology, Hyderabad to take necessary action for determination of the quarry lease held by Sri V.Poornachandra Rao and Sri Md.Akbar Ali.
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> I submit that based on instructions from Special Deputy Collector, the Assistant Director of Mines & Geology, Medak and Deputy Director of Mines & Geology, Nizamabad, has already initiated measures by addressing to Director of Mines & Geology, Hyderabad for stoppage of mining operations. The said matter pending before the Director of Mines & Geology, Hyderabad."

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Industries appearing for the respondents.

5. Learned counsel for the petitioner submits that the leased land falls within the jurisdiction of Medak District and therefore the first respondent has no jurisdiction to issue any instructions for cancellation of the quarry lease in respect of the lands which do not fall within his jurisdiction. Learned Government Pleader submits that the Assistant Director of Mines & Geology had made necessary recommendations to the Deputy Director of Mines & Geology for determination of two quarry leases for morrum/ gravel granted to the writ petitioner and another. A fact remains that as on this day the lease granted in favour of the petitioner holds good. If the Mines Department intends to cancel the lease, the same is required to be done in accordance with the provisions of the Andhra Pradesh Minor Mineral Concession Rules, 1966. It appears that the first respondent-Special Deputy Collector (L.A) I.A.P, Shamshabad, Ranga Reddy District issued instructions to the Revenue Divisional Officer, Sanga Reddy; Mandal Revenue Officer, R.C.Puram and the Assistant Director of Mines & Geology, for stoppage of morrum quarry in the government lands.

6. Admittedly, the leased lands in favour of the petitioner are not within the jurisdiction of the first respondent and they are within the jurisdiction of Medak District. It is only the Revenue Officials of Medak District who have jurisdiction to issue any instructions to the officials of Mines Department with regard to the stoppage of morrum quarry operations in the leased lands. Even the Mines and Geology Department also has to follow the procedure prescribed under Andhra Pradesh Minor Mineral Concession Rules, 1966, for determination of the lease.

7. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to follow the procedure prescribed under Andhra Pradesh Minor Mineral Concession Rules, 1966, in case of lease standing in the name of the petitioner is to be cancelled.

B.SESHASAYANA REDDY, J.

Date: 13th September 2005.

BSB